

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES CARMICHAEL, DARRYL HOWARD,
STEVEN HOWARD, TERRENCE)
MASON, LORENZA McWILLIAMS, JR.)
AND CLINTON HOWARD)

Plaintiffs,)

v.)

Civil Action No.: 2:07-CV-976-WKW

BRAGGS LUMBER & TIMBERS COMPANY,)
INC., a corporation licensed and doing)
business in the State of Alabama,)

Defendant.)

ANSWER TO FIRST AMENDED COMPLAINT

1. Defendant admits that the jurisdiction of this Court was properly invoked and that the matters complained of in the complaint occurred within the Middle District of the State of Alabama.
2. Defendant admits the allegations of paragraphs 3 - 9, but denies the allegations of paragraphs 10 - 14.
3. Defendant admits the Plaintiffs were employed for the following periods:
 - A. Darryl Howard from July 23, 2007 to September 13, 2007;
 - B. Steven Howard from July 23, 2007 to September 13, 2007;
 - C. Terrence Mason from July 12, 2007 to September 13, 2007;
 - D. James Carmichael from August 2, 2007 to September 13, 2007;
 - E. Lorenza McWilliams, Jr. from August 2, 2007 to August 22, 2007;
 - F. Clinton Howard from July 23, 2007 to August 17, 2007.
4. Defendant denies the allegations of paragraphs 17 - 27.
5. Defendant denies that the Plaintiffs are entitled to any of the relief prayed for.
6. Any and all treatment accorded Plaintiffs with respect to their employment was based on reasonable factors other than Plaintiffs' race.
7. Although Defendant denies that Plaintiffs' race was a motivating factor in the employment decision complained of, Defendant asserts that, even if race were

such a factor, Plaintiffs would have been treated the same in any case because of other legitimate non-discriminatory reasons having nothing to do with the race of Plaintiffs.

/s/ Lewis S. Hamilton

LEWIS S. HAMILTON

505 E. Commerce Street

Greenville, Alabama 36037

Phone: (334) 382-3372

Fax: (334) 382-2770

pandh@elmore.rr.com

ASB-7032-O75L

OF COUNSEL:

Powell & Hamilton

Post Office Drawer 9

Greenville, Alabama 36037

(334) 382-3372 (Voice)

(334) 382-2770 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that I have this the 14th day of February, 2008, served a copy of the foregoing to all attorneys of record by e-filing notification: K. Anderson Nelms, Anderson Nelms & Associates, 847 So. McDonough Street, Suite 100, Montgomery, Alabama 36104, andynelms@andersonnelms.com.

/s/Lewis S. Hamilton

OF COUNSEL